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***36894-111504***

***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***NOVEMBER 15, 2004  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

- 1. Call to Order--Roll Call. (Council Member Cutler was absent.)**

The Invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

**NOTICE:**

Today's Council meeting will be replayed on Channel 3 on Thursday, November 18, 2004, at 7:00 p.m., and Saturday, November 20, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

A Resolution memorializing the late Charles R. Hill, former Mayor of the Town of Vinton.

**Adopted Resolution No. 36894-111504. (6-0)  
File #80-367**

Proclamation declaring December 4, 2004 as Alpha Phi Alpha Fraternity 98<sup>th</sup> Founder's Day.

**File #3**

### **3. CONSENT AGENDA**

**Approved (6-0)**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the regular meetings of Council held on Monday, September 20, 2004, and Thursday, October 7, 2004, which was recessed until Wednesday, October 13, 2004.

**RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.**

- C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.  
File #110-132**

- C-3 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.  
File #80-132**

- C-4           A communication from the City Manager requesting that Council schedule a public hearing for Monday, December 6, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard, to authorize encroachment of an awning into the public right-of-way at 105 Wall Street, S. E.

**RECOMMENDED ACTION: Concur in the request.  
File #28-169**

- C-5           Qualification of the following persons:

Charles E. Hunter, III, as a Director of the Industrial Development Authority, for a term ending October 20, 2008;

Terri R. Jones as a member of the Roanoke Arts Commission, for a term ending June 30, 2007;

Mornique E. Smith as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2008; and

Gregory W. Staples as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2007.

**RECOMMENDED ACTION: Receive and file.  
File #15-110-178-202-207-230**

### **REGULAR AGENDA**

**4. PUBLIC HEARINGS: NONE.**

**5. PETITIONS AND COMMUNICATIONS: NONE.**

**6. REPORTS OF OFFICERS:**

- a.     CITY MANAGER:

BRIEFINGS:

- |                      |              |
|----------------------|--------------|
| Farmers Market       | - 10 Minutes |
| City Market Building | - 45 Minutes |

**Council voted to hold in abeyance any lease agreement with a national food chain for rental of space in the City Market Building; the City Manager was requested to report to Council with regard to development of a broad strategic plan for the City Market/City Market building, including renovations, future of the market building, and a funding subsidy; and the City Manager was further requested to address management issues relating to the City Market building.**

**File#42**

ITEMS RECOMMENDED FOR ACTION:

1. Execution of a deed concurring in the conveyance of property owned by SEMCO Inc. of Virginia to SEMCO Duct and Acoustical Products, Inc., located at the Roanoke Centre for Industry and Technology.

**Adopted Ordinance No. 36895-111504. (6-0)  
File #207**

2. Approval of the terms of a Performance Agreement with IMD Investment Group, LLC, in connection with development of property located at the northwest corner of Franklin Road and Wonju Street, S. W.

**Adopted Ordinance No. 36896-111504. (6-0)  
File #207-450**

3. **Adopted Ordinance No. 36897-111504 authorizing an additional 24 months to complete the recordation process in connection with action taken by Council pursuant to Ordinance No. 36462-081803 to**

**permanently vacate, discontinue and close a 15 foot public right-of-way extending in a northeasterly direction from the northerly boundary of Densmore Road, N. W., between Official Tax Nos. 2670906 and 2671005.**

**File #388-514**

## **7. REPORTS OF COMMITTEES:**

- a. Presentation of the proposed 2005 Legislative Program. Vice-Mayor Beverly T. Fitzpatrick Jr., Chair.

**Adopted Resolution No. 36898-111504. (6-0)**  
**File #110-137**

- b. Presentation of the Roanoke Neighborhood Advocates 2003-2004 Annual State of the Neighborhoods Report. Sandra B. Kelly, Vice-Chair, Spokesperson.

**No Action.**  
**File #110-488**

- c. Request of the Roanoke City School Board for appropriation and transfer of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

**Adopted Budget Ordinance No. 36899-111504. (6-0)**  
**File #60-467**

- d. Request of the Roanoke City School Board for authorization by Council to issue general obligation qualified zone academy bonds, in an aggregate principal amount not to exceed \$1,600,000.00, for financing a portion of the cost to repair, rehabilitate or equip Fallon Park Elementary School. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

**Adopted Resolution No. 36900-111504. (6-0)**  
**File #467**

**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor and Members of City Council.

**Council Member Dowe requested that Council observe a moment of silence at the 7:00 p.m. session in memory of the late Bishop Antonio Thomas, Pastor, Spirit of Life Church International.**

**File #80-367**

**Council Member Dowe congratulated the William Fleming High School Colonels, winners of the Blue Ridge District Football Championship.**

**File #388-467**

**Council Member Lea inquired about the status of the former Roanoke Academy of Mathematics and Science building. The City Manager responded that the capital budget calls for demolition of the building and reassignment of the property to the City of Roanoke.**

**File #467**

**Council Member Wishneff inquired if the deer management contract has been approved by Council. The City Manager responded that funds have been appropriated and two contracts have been executed.**

**File #54-212**

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, encouraged citizens to attend the public hearing to be held at Lucy Addison Middle School on November 16, 2004, at 7:00 p.m., to provide input with regard to the future of Victory Stadium. He stated that the citizens of the City of Roanoke should make a decision on the fate of Victory Stadium via a referendum, and suggested that Victory Stadium be promoted for outdoor events from May – December, with profits to be used for renovation of the stadium. File #122**

**Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke against the proposed methadone clinic at the corner of Hershberger and Cove Roads, N. W. She called attention to 64 instances that the company that will operate the methadone clinic has been cited for violations of State regulations at clinics in West Virginia. Council Member Lea requested that the City Attorney investigate the alleged citations. File #76**

**Mr. Robert E. Gravely, 727 29th Street, N. W., encouraged citizens to attend a meeting which will be held on November 30, 2004, at 7:00 p.m., at Lucy Addison Middle School in connection with community concerns. He spoke with regard to the lack of economic growth in the City of Roanoke, the City's promotion of businesses versus the overall well being of its citizens, and the need to provide more jobs for Roanoke's disadvantaged citizens and youth population. File #66-175-304**

## **12. CITY MANAGER COMMENTS:**

**The City Manager commended City employees on the indoor garage/yard sale which was held in the Exhibit Hall at the Roanoke Civic Center on Saturday, November 13, 2004, the goal of which was to educate the public on recycling, litter control and other related programs.**

**File #144-184**

**The City Manager called attention to the Greater Roanoke Transit Company Safety Awards Banquet which was held on Sunday, November 14, 2004, at which time awards were presented to public transit drivers with 34 consecutive years of safety on the road and two drivers were recognized for reaching the one million mile mark in driving City of Roanoke public transit buses. She commended all employees of the transit company for the service they provide to the citizens of the Roanoke Valley.**

**File #55-80**

### **CERTIFICATION OF CLOSED SESSION. (6-0)**

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS FOR TWO CLOSED SESSIONS.**

**The following persons were appointed/reappointed to certain boards and committees:**

**Youth Services Citizen Board  
File #15-110-304**

**Earnestine Garrison for a term  
ending May 31, 2007.**

**Board of Zoning Appeals  
File #15-51-110**

**Kermit E. Hale and Benjamin  
S. Motley for terms ending  
December 31, 2007.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***NOVEMBER 15, 2004  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**Call to Order -- Roll Call.**

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

A moment of silence was observed in memory of Bishop Antonio D. Thomas, Pastor, Spirit of Life Church International.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

Welcome. Mayor Harris.

**NOTICE:**

The Council meeting will be televised live on RVTV Channel 3 to be replayed on Thursday, November 18, 2004, at 7:00 p.m., and Saturday, November 20, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **A. PUBLIC HEARINGS:**

1. Request of Preston A. Waldrop that property located at 3830 Keagy Road, S. W., identified as Official Tax No. 5130117, be rezoned from RS-1, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Daniel F. Layman, Jr., Attorney.

**Denied. (5-1)  
File #51**

2. Proposal to adjust the aggregate amount of the Fiscal Year 2004-2005 Technology Fund Budget, in an amount not to exceed \$716,270.00, in connection with appropriation of funds for the Capital Maintenance and Equipment Replacement Program for Technology. Darlene L. Burcham, City Manager.

**Adopted Budget Ordinance No. 36901-111504. (6-0)  
File #60-270**

## **B. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Mr. Gary Harkrader, 2928 Rosalind Avenue, S. W., expressed opposition to leasing space in the City Market building for a Subway restaurant. He requested that the "mom and pop" types of restaurants in the Market building be protected.**

**File #42**